



BOARD OF BARBERING AND COSMETOLOGY  
CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
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**Board of Barbering and Cosmetology**  
**Department of consumer Affairs, Hearing Room 1030**  
**400 R Street**  
**Sacramento, CA 95814**

## **MEETING OF THE BOARD OF BARBERING AND COSMETOLOGY**

### **MINUTES OF AUGUST 29, 2005**

#### **BOARD MEMBERS PRESENT:**

Dr. Della M. Condon, President  
Joe Gonzalez, Vice President  
Richard Hedges  
Frank Lloyd  
Bonnie LaChappa  
Marlene Gadinis

#### **STAFF MEMBERS PRESENT:**

Kristy Underwood, Interim Executive Officer  
Albert Balingit, Staff Counsel  
Debbie Glenn  
Theresa Kimura-Yip  
Theresa Rister  
Jim Jacobs  
Ed Sherman

#### **DEPARTMENT STAFF PRESENT:**

Charlene Zettel, Director  
Sherry Mehl, Chief Deputy Director

### **1. Agenda Item #1, CALL TO ORDER/ROLL CALL**

Dr. Condon called the meeting to order at 9:00 a.m. She welcomed the audience. The board members and staff introduced themselves. Members of the audience also introduced themselves.

### **2. Agenda Item #2, PRESIDENTS REPORT**

Dr. Condon noted a lot of positive feedback has been received about their focus on inspection and sanitation.

- a. **Workload Statistics:** Ms. Underwood reviewed the monthly workload statistics as of July. Staff has been focusing on cashiering to ensure everything is caught up by the end of the fiscal year. Most transactions are up to date. Establishment application processing has improved. Processes and staff load are being looked at to see where improvements can be made. Mr. Gonzalez asked for a summary of school inspections and the pass/fail rate of the schools. Renewal applications take approximately 3

weeks. All agreed the statistics were improved and commended the staff for their hard work.

- b. **Inspections Program – Summary of Violations Issued:** Staff was requested to provide this information at the last board meeting. A thorough report of the data was presented.

### 3. Agenda Item #3, APPROVAL OF MEETING MINUTES

Upon a motion by Mr. Hedges, seconded by Mr. Lloyd the minutes were approved by a 5-0-1 (Gadinis) vote.

### 4. Agenda Item #4, LEGISLATION AND REGULATIONS

- a. **AB 163 Update (Threading):** Ms. Underwood noted AB 163 has not had any action taken recently. It is moving along in the process.

- b. **AB 1263 Update (Footspa Equipment):** An amendment was posted to AB 1263 on July 12. The amendment requires a notice be displayed where there are pedicure/foot spas advising patrons not to wax or shave their legs prior to a pedicure. Mr. Balingit advised the board on their options. There did not appear to be anything in the amendment that would change the board's position on the bill. However, it was recommended the sign should explain why. All agreed the bill was very important to the industry. Posting regulations were discussed. Mr. Lloyd recommended a reinspection be done in a short period if the salon cleans up. Mr. Gonzalez made the motion to continue to support AB 1263 with the amendment. The motion was seconded by Mr. Hedges, and approved by a 5-1 (Gadinis) vote.

Jerry Tyler, Carlton Hair International, noted the rating system has been very successful with restaurants. It is also very influential on business, so he agreed with the quick reinspection.

Fred Jones, Professional Beauty Federation, noted his organization is neutral on the bill. He noted the bill is too specific and the board should be given more authority. The bill does not narrow its scope to footspas.

### 5. Agenda Item #5, UPDATE ON BOARD'S BUDGET

Staff provided the Board with a analysis of the board's current fund condition. Ms. Underwood reviewed the analysis for the board. The analysis indicates in fiscal year 2008-09, the board may be looking at a negative fund balance. She noted the fee structure and all existing resources are being reviewed and an expenditure monitoring system has been developed. Expenditures are being strictly monitored. Dr. Condon requested the Legislation and Budget Committee plan a meeting and each member receive a line item budget. It is important the board's policies and direction are reflected in the budget. Mr. Gonzalez asked what percentage of the budget goes out to Exporior Services and what is the dollar amount

collected from the students. Ms. Underwood will research and bring it back to the board. Mr. Hedges asked what is the theory that leads staff to believe in 2008-09 the board will be negative. Staff noted it based on expenditures growing and the revenue not growing as quickly. The possible fee increase will impact the budget. Fees can be increased through regulation.

## **6. Agenda Item #6, REPORT OF THE LICENSING AND EXAMINATION COMMITTEE**

- a. National Examination Equivalency Report:** The National Exam was reviewed by the Office of Exam Resources (OER), which concluded the National Exam does not have the integrity that is required of an exam for California. The committee therefore recommended the exam not be approved for use in California. The job analysis was eight years old and outdated. Mr. Lloyd made the motion to accept OER's recommendation related to the National Exam. Mr. Hedges seconded the motion and it was approved by a 5-1 (Gadinis) vote. It was suggested the State of California do a joint effort with the National committee to organize a document that could be used by the entire country. Mr. Hedges believed the national committee may be receptive to this.

Jerry Tyler, Carlton Hair International, agreed the two entities could work together for a sufficient exam.

Fred Jones, Professional Beauty Federation, noted most of the deficiencies were due to not enough documentation provided. California was not included in the survey of examinees; the results of the survey are not relevant. He recommended the California Board be proactive in setting the trends of the national exam. A national test is very appealing for employers in the state to streamlining the application process for out of state applicants.

- b. Status Report on Process Improvements for the Licensing Program:** Ms. Underwood gave the status report to the board on two objectives of the Strategic Plan. L1.1 is to evaluate and implement process improvements including the expanded use of technology and licensing. The staff report notes a lot of the items are completed to achieve this objective. Extensive internal reviews of the licensing process have been completed. However, the improvements are not yet completed. A lot of errors have been recognized that need to be corrected. L1.3 is to address personnel issues within the unit. Most of the tasks are ongoing such as annual staff evaluations, training, etc. The board commended staff for their diligence in completing the tasks. Mr. Lloyd made the motion to accept the status report on process improvements for the licensing program; Mr. Hedges seconded the motion and it was approved by a 6-0 vote.

Fred Jones, Professional Beauty Federation, noted in talking with people in the industry, the delays for the exam have been increasing. He believed the board needs to address structural issues with the exam delays.

Jerry Tyler, Carlton Hair International, noted there were quite a few no shows for the exams. The board requested staff to look into providing a stand by room at the exam sites. Staff will research and bring the issue to the next meeting.

- c. **Curriculum Review Process:** Dr. Condon reviewed the committee's discussion about the curriculum review process. Staff has been requested to post a request on the website for people to become part of the proposed task force. Mr. Lloyd made a motion to adopt the committee's recommendation, Mr. Gonzalez seconded the motion and it was approved by a 6-0 vote.

## 7. Agenda Item #7, REPORT OF THE ENFORCEMENT AND INSPECTIONS COMMITTEE

- a. **Threading Cases Report:** This report is required by statute to present all complaints made to the board on issues of threading. The committee voted to adopt the report and sent it on to the legislature. It was noted the number of cases is low. Mr. Hedges made the motion to approve the committee's recommendation. Mr. Gonzalez seconded the motion and it was approved by a 6-0 vote.

Fred Jones, Professional Beauty Federation, noted it is up to the board to get a law passed to be able to regulate threading in the future.

Jerry Tyler, Carlton Hair International, agreed with Mr. Jones.

- b. **Rate of unpaid Fines/Status and Final Recommendations:** This is a plan being reviewed to address the rates of the unpaid license and collections. The committee recommended working with other boards to stop this problem. Other boards are currently being contacted to work toward a joint effort. Future updates will be provided.
- c. **Review of the Administrative Fine Schedule/Status and Final Recommendations:** Jim Jacobs reviewed the fine schedule for the board. It was determined previously the fines were not effective because they were too low. Progressive fines would be hard to manage. The citation maximum is now \$5,000. A regulation change would be required and would take about a year and a half before it would be in effect. Mr. Lloyd felt the fines should be based on the infraction, not one general amount for all.

Fred Jones, Professional Beauty Federation, noted before fines are raised, there has to be a readily accessible list of responsibilities for each salon owner, each subcontractor, each employee. School fines are not appropriate when a school is fined for a student's mistake. He supported the idea of having one fine.

Derek Azzaro, public attendee, noted levying fines will put the board into the appeal process. Appeals will greatly increase. He recommended focusing on education.

Upon a motion by Mr. Hedges, seconded by Mr. Gonzalez, it was voted 6-0 to accept the report.

Dr. Condon called a 10 minutes break.

- d. **Enforcement Program Workload Statistics:** Staff reviewed the enforcement program workload statistics.

#### **8. Agenda Item #8, REPORT OF THE DISCIPLINARY REVIEW COMMITTEE**

The Disciplinary Review Committee statistics were presented and reviewed. The backlogged appeals have decreased to approximately 600. Staff was commended for decreasing the appeals backlog.

#### **9. Agenda Item #9, STATUS OF SUNSET REPORT**

Ms. Underwood presented the draft report of the Sunset Review Report. The report is due to the joint committee on September 1<sup>st</sup>. Staff requested board comments and changes so they can be incorporated into the final report. Dr. Condon noted she had changes but will need to fax to staff. Mr. Hedges made the motion to move the report forward to its final stages with last minute editing and forwarded to the legislature by September 1<sup>st</sup>. Mr. Gonzalez seconded the motion and it was approved by a 6-0 vote.

#### **10. Agenda Item #10, UPDATE ON COMPUTER BASED TESTING**

- a. **Update on the Request for Proposal:**
- b. **Status on the CBT Budget Change Proposal (BCP):**

The RFP is currently being worked on. The board will be updated as soon as staff hears when the RFP will be finalized, which should be very soon. The Office of Examination Resources is working on an extension of the current contract to ensure testing will not be interrupted. A pen and pencil exam is on standby if needed. Mr. Gonzalez reiterated the contract extension needs to be on a month-to-month as the board is not satisfied with the current vendor.

#### **11. Agenda Item #11, UPDATE ON NEWSLETTER**

No update available. This item deferred.

#### **12. Agenda Item #12, COMMITTEE MEMBER APPOINTMENTS**

Board members expressed their desires for committee participation. The following committees were formed:

**Enforcement and Inspections Committee:**

Joe Gonzalez, Board Vice-President, Professions Member  
Richard Hedges, Public Member  
Angela J. Reddock, Public Member

**Disciplinary Review Committee:**

Joe Gonzalez, Board Vice-President, Professions Member  
Richard Hedges, Public Member  
Frank Lloyd, Public Member

**Education and Outreach:**

Bonnie LaChappa, Public Member  
Joe Gonzalez, Board Vice-President  
Angela J. Reddock, Public Member  
Marlene Gadinis, Professions Member

**Legislation and Budget:**

Dr. Della M. Condon, Board President, Professions Member  
Joe Gonzalez, Board Vice-President, Professions Member  
Richard Hedges, Public Member  
Angela J. Reddock, Public Member

**Licensing and Examination:**

Dr. Della M. Condon, Board President, Professions Member  
Joe Gonzalez, Board Vice-President, Professions Member  
Frank Lloyd, Public Member  
Marlene Gadinis, Professions Member

**13. Agenda Item #13, DECISION ON FUTURE BOARD MEETING DATES AND LOCATIONS**

The Board agreed they should meet every other month with committee meetings in between, and emergency meetings to be conducted by telephone as needed. Staff will determine proposed dates and locations. Upon a motion by Mr. Hedges, seconded by Ms. Gadinis, it was approved by a vote of 6-0 to meet every other month. Mr. Hedges recommended posting the information on the website as soon as possible and find a convenient place to allow people time to take public transportation.

**14. Agenda Item #14, PROCESS OF HIRING A NEW EXECUTIVE OFFICER**

Options were discussed to determine the process of hiring a new executive director. The entire board could screen the applications or a subcommittee could be developed to review applications. It was felt using the full board would be cumbersome. A subcommittee

consisting of Dr. Condon, Mr. Hedges, and Mr. Gonzalez and Mr. Lloyd has been formed. The committee would review the applications and identify those for interviews. Dr. Condon suggested interviewing in Sacramento where staff is located. The final candidates will be interviewed by the full board. Dr. Condon will call the Department of Human Resources and ask them to send all current active applicants to the chairperson of the subcommittee for their review.

Jerry Tyler, Carlton Hair International, asked if the public can be involved. Dr. Condon did not believe so.

#### **15 Agenda Item #15, PUBLIC COMMENT**

Jerry Tyler, Carlton Hair International, expressed the importance of subcategory licenses. The three main areas would be hairstylist license, salon assistant, independent contractor licenses. He also discussed product diversion.

Fred Jones, Professional Beauty Federation, discussed computer based testing. His organization is concerned about splitting the exam. He emphasized three issues which include unlicensed activity, unnecessary barriers to entry, booth rental, and standards/outreach to licensees. He did not believe the board was being proactive in these issues.

Derek Azzaro, public attendee, asked if the meeting was being recorded. It is. He informed the board he is no longer willing to grant the board or its employees any additional time in resolving the alleged illegal confiscation of his cosmetology license and business. "As a result of corruption, fraud, theft of fund monies by the state, with the assistance of the attorneys, internal and external with malice under the color of the law, by the past director, your current employees, Cindy Walton and most specifically James Jacobs, Susan Just, past employee, John Montoya, Chad Bartlett, and various others." He stated it is his intention to seek legal counsel with the necessary right to file a lawsuit against the Consumer Affairs and the Board of Barbering and Cosmetology with reactivation and return of his license. He believed the department and board has violated Code 7418, or the five year renewal law. He believed the board and their attorney subverted his efforts to follow the law and reactivate his license. Members of enforcement intentionally used their power to subvert any and all of his legal rights. He currently has an appeal with the Attorney General's office. He believes the board is refusing to supply requested documents. He is requesting the opportunity to submit all renewal fees. Mr. Azzaro is also threatening to sue the legal staff of the Department of Consumer Affairs for unprofessional conduct and violations of professional code. He asked the Board members to respond. They did not. He read a law regarding misrepresentation. He states he was never notified his license was canceled, repeated calls were not answered.

Mr. Hedges requested a timeline for Mr. Azzaro's case.

#### **16. Agenda Item #16, AGENDA ITEMS FOR NEXT MEETING**

Salon subcontractors, unlicensed activity, report on progress filling no show positions at exams, administrative fines, continuing education, curriculum review, fee structure, closed session for executive officer interviews, report on progress of items currently in regulation process,

**17. Agenda Item 17, ADJOURNMENT**

Dr. Condon reported on the passing of Bonnie Manley, a dynamic force in the industry. "She was truly an example of what an excellent school owner should be." The meeting was adjourned at approximately 5:00 p.m.